

AMENDED IN ASSEMBLY JULY 9, 1998

AMENDED IN SENATE MAY 6, 1998

AMENDED IN SENATE APRIL 16, 1998

AMENDED IN SENATE APRIL 2, 1998

SENATE BILL

No. 1976

Introduced by Senator Mountjoy

February 19, 1998

An act to add Section 4536.5 to the Penal Code, and to amend Sections 6600.05, 6601, 6602, 6602.5, 6603, ~~6604.1~~, 6609.1, 6609.2, and 6609.3 of, *and to amend, repeal, and add Section 6604.1 of*, the Welfare and Institutions Code, relating to sex offenses.

LEGISLATIVE COUNSEL'S DIGEST

SB 1976, as amended, Mountjoy. Sexually violent predators.

(1) Existing law provides that every person committed to a public or private mental health facility as a mentally disordered sex offender, who escapes from or who escapes while being conveyed to or from that mental health facility, is punishable by imprisonment in the state prison or in a county jail not to exceed one year.

This bill would ~~create an alternate provision applicable, with respect to persons~~ a person committed to a mental health facility as a sexually violent predator ~~and would~~, require the medical director or person in charge of the facility to promptly notify either the Department of Corrections

Sexually Violent Predator Parole Coordinator or local law enforcement officials upon the escape. This bill ~~would punish escapes by sexually violent predators by imprisonment in a county jail not exceeding one year. By creating a new crime, this bill, to the extent it increases the duties of local districts,~~ would impose a state-mandated local program.

(2) Existing law provides that Atascadero State Hospital shall be used whenever a person is committed to a secure facility for mental health treatment as a sex offender and is placed in a state hospital under the direction of the State Department of Mental Health.

This bill would provide that Atascadero State Hospital shall be used for this purpose only until a permanent housing and treatment facility is available, and would provide that a permanent facility for the housing and treatment of persons committed for mental health treatment shall be located on a site or sites determined by the Director of the State Department of Mental Health and the Director of Corrections, with subsequent approval by the Legislature. The bill would direct the State Department of Mental Health to operate this facility, and would provide that, absent direct authorization by the Legislature, only mentally disordered sex offenders shall be treated therein.

(3) Under existing law, whenever the Director of Corrections determines that an individual who is in custody, and who is either serving a determinate prison sentence or whose parole has been revoked, may be a sexually violent predator, the director is required to refer the person for evaluation by the State Department of Mental Health, as specified. If the State Department of Mental Health determines that the person is a sexually violent predator, the Director of Mental Health is required to forward a request for a petition to be filed for commitment to the county in which the person was convicted of the offense for which the person was committed to the jurisdiction of the Department of Corrections. Copies of the evaluation reports are required to be made available to the county-designated attorney who may file a petition for commitment.

This bill would provide that the county-designated attorney shall notify the State Department of Mental Health of its



decision regarding the filing of a petition for commitment within 15 days of making that decision.

(4) Existing law provides that a judge of the superior court shall review the petition for commitment and determine whether there is probable cause to believe that the individual named in the petition is likely to engage in sexually violent predatory criminal behavior upon his or her release.

This bill would require the court to notify the State Department of Mental Health of the outcome of the probable cause hearing by forwarding to the department a copy of the minute order of the court within 15 days of the decision.

(5) Existing law requires a judge of the superior court to review any petition submitted by an agency requesting an urgency review in cases where an inmate's parole or temporary parole hold will expire before a probable cause hearing is conducted and to determine whether there is probable cause to believe that the individual named in the petition is likely to engage in sexually violent predatory criminal behavior upon his or her release.

This bill would provide that in no event shall more than 10 referrals be made to a superior court in any 30-day period for this purpose except upon agreement of the presiding judge of the court, the district attorney, the public defender, the sheriff, and the Director of Mental Health.

By requiring increased duties and responsibilities of local officials, this bill would impose a state-mandated local program.

(6) Existing law provides that a person subject to commitment as a sexually violent predator is entitled to specified rights, including a trial by jury.

This bill would provide that the court shall notify the State Department of Mental Health of the outcome of the trial by forwarding to the department a copy of the minute order of the court within 72 hours of the decision.

(7) Existing law requires a person who is determined to be a sexually violent predator to be committed for 2 years to the custody of the State Department of Mental Health for appropriate treatment and confinement in a secure facility, as specified. Existing law also provides that, until January 1, 1999, this 2-year term of commitment commences on the date upon

which the court issues the initial order of commitment and is not reduced by any time spent in a secure facility prior to the order of commitment.

This bill would ~~delete~~ *instead provide for* the automatic repeal of these provisions relating to the date of commencement and term of the 2-year commitment period *on July 1, 2001, at which time these provisions, minus the provision prohibiting the reduction of the term of commitment by any time spent in a secure facility prior to the order of commitment, would become operative.*

(8) Existing law provides that if the court orders the immediate release of a sexually violent predator, the State Department of Mental Health shall notify the sheriff or chief of police, or both, and the district attorney, who has jurisdiction over the community in which the person is scheduled to be released at the time of release.

This bill would ~~instead provide~~ *require the court to notify the Department of Corrections Sexually Violent Predator Parole Coordinator, and require the Department of Corrections to notify the State Department of Mental Health, as well as the other officials cited above, when the court orders the immediate release of a sexually violent predator. The bill also would provide* that when the department makes any recommendation to the court concerning either the release or commitment of a sexually violent predator, it shall, at least 15 days in advance of making its recommendation, notify specified local law enforcement officials (1) where the person may be released, (2) where the person last resided or, (3) in the county which filed for the person's civil commitment. ~~The bill would also require notification of the Department of Corrections Sexually Violent Predator Parole Coordinator, as specified.~~

(9) Existing law authorizes a sheriff or chief of police to notify appropriate persons upon the impending release of a sexually violent predator.

This bill would expand this authorization to allow for notification to appropriate persons of the disposition of a sexually violent predator upon notice from the State Department of Mental Health of its recommendation to the court in connection with a commitment hearing.



(10) Existing law requires a sheriff or chief of police to notify requesting parties of the impending release of a sexually violent predator, but allows disclosure of the community in which the person will be placed only if it is (1) in the county of a requesting witness, victim, or family member, or (2) within 25 miles of the actual residence of a requesting witness, victim, or family member.

This bill would provide that any person requesting notice shall be informed of the identity of the court considering the conditional release, recommitment hearing, or review of commitment status. The bill would also allow victims, witnesses, and family members who request notification to be informed of the community where the person is scheduled to be placed if their actual residence is within 100 miles of that community.

(11) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, with regard to an identified mandate, no reimbursement is required by this act for a specified reason.

With regard to other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4536.5 is added to the Penal
2 Code, to read:
3 ~~4536.5. (a) Every person committed to a state~~
4 ~~hospital or other public or private mental health facility~~

~~under the provisions of Article 4 (commencing with Section 6600) of Chapter 2 of Part 2 of the Welfare and Institutions Code, who escapes from, or escapes while being conveyed to or from, a state hospital or other public or private mental health facility, is punishable by imprisonment in a county jail not to exceed one year. The term imposed pursuant to this section shall be served consecutively to any other sentence or commitment.~~

~~(b)~~

4536.5. The medical director or person in charge of a state hospital or other public or private mental health facility to which a person has been committed under the provisions of Article 4 (commencing with Section 6600) of Chapter 2 of Part 2 of the Welfare and Institutions Code, shall promptly notify the Department of Corrections Sexually Violent Predator Parole Coordinator, the chief of police of the city in which the hospital or facility is located, or the sheriff of the county if the hospital or facility is located in an unincorporated area, of the escape of the person, and shall request the assistance of the chief of police or sheriff in apprehending the person, and shall, within 48 hours of the escape of the person, orally notify the court that made the commitment, the prosecutor in the case, and the Department of Justice of the escape.

SEC. 2. Section 6600.05 of the Welfare and Institutions Code is amended to read:

6600.05. (a) Until a permanent housing and treatment facility is available, Atascadero State Hospital shall be used whenever a person is committed to a secure facility for mental health treatment pursuant to this article and is placed in a state hospital under the direction of the State Department of Mental Health unless there are unique circumstances that would preclude the placement of a person at that facility. If a state hospital is not used, the facility to be used shall be located on a site or sites determined by the Director of Corrections and the Director of Mental Health. In no case shall a person committed to a secure facility for mental health

1 treatment pursuant to this article be placed at
2 Metropolitan State Hospital or Napa State Hospital.

3 (b) A permanent facility for the housing and
4 treatment of persons committed pursuant to this article
5 shall be located on a site or sites determined by the
6 Director of Corrections and the Director of Mental
7 Health, with approval by the Legislature through a trailer
8 bill or other legislation. The State Department of Mental
9 Health shall be responsible for operation of the facility,
10 including the provision of treatment. In no event shall
11 any persons other than those placed pursuant to this
12 article be housed or treated at a facility established
13 pursuant to this subdivision unless expressly authorized
14 by the Legislature.

15 SEC. 3. Section 6601 of the Welfare and Institutions
16 Code is amended to read:

17 6601. (a) Whenever the Director of Corrections
18 determines that an individual who is in custody under the
19 jurisdiction of the Department of Corrections, and who
20 is either serving a determinate prison sentence or whose
21 parole has been revoked, may be a sexually violent
22 predator, the director shall, at least six months prior to
23 that individual's scheduled date for release from prison,
24 refer the person for evaluation in accordance with this
25 section. However, if the inmate was received by the
26 department with less than nine months of his or her
27 sentence to serve, or if the inmate's release date is
28 modified by judicial or administrative action, the director
29 may refer the person for evaluation in accordance with
30 this section at a date that is less than six months prior to
31 the inmate's scheduled release date.

32 (b) The person shall be screened by the Department
33 of Corrections and the Board of Prison Terms based on
34 whether the person has committed a sexually violent
35 predatory offense and on a review of the person's social,
36 criminal, and institutional history. This screening shall be
37 conducted in accordance with a structured screening
38 instrument developed and updated by the State
39 Department of Mental Health in consultation with the
40 Department of Corrections. If as a result of this screening

1 it is determined that the person is likely to be a sexually
2 violent predator, the Department of Corrections shall
3 refer the person to the State Department of Mental
4 Health for a full evaluation of whether the person meets
5 the criteria in Section 6600.

6 (c) The State Department of Mental Health shall
7 evaluate the person in accordance with a standardized
8 assessment protocol, developed and updated by the State
9 Department of Mental Health, to determine whether the
10 person is a sexually violent predator as defined in this
11 article. The standardized assessment protocol shall
12 require assessment of diagnosable mental disorders, as
13 well as various factors known to be associated with the
14 risk of reoffense among sex offenders. Risk factors to be
15 considered shall include criminal and psychosexual
16 history, type, degree, and duration of sexual deviance,
17 and severity of mental disorder.

18 (d) Pursuant to subdivision (c), the person shall be
19 evaluated by two practicing psychiatrists or
20 psychologists, or one practicing psychiatrist and one
21 practicing psychologist, designated by the Director of
22 Mental Health. If both evaluators concur that the person
23 has a diagnosed mental disorder so that he or she is likely
24 to engage in acts of sexual violence without appropriate
25 treatment and custody, the Director of Mental Health
26 shall forward a request for a petition for commitment
27 under Section 6602 to the county designated in
28 subdivision (i). Copies of the evaluation reports and any
29 other supporting documents shall be made available to
30 the attorney designated by the county pursuant to
31 subdivision (i) who may file a petition for commitment.

32 (e) If one of the professionals performing the
33 evaluation pursuant to subdivision (d) does not concur
34 that the person meets the criteria specified in subdivision
35 (d), but the other professional concludes that the person
36 meets those criteria, the Director of Mental Health shall
37 arrange for further examination of the person by two
38 independent professionals selected in accordance with
39 subdivision (g).



1 (f) If an examination by independent professionals
2 pursuant to subdivision (e) is conducted, a petition to
3 request commitment under this article shall only be filed
4 if both independent professionals who evaluate the
5 person pursuant to subdivision (e) concur that the person
6 meets the criteria for commitment specified in
7 subdivision (d). The professionals selected to evaluate
8 the person pursuant to subdivision (g) shall inform the
9 person that the purpose of their examination is not
10 treatment but to determine if the person meets certain
11 criteria to be involuntarily committed pursuant to this
12 article. It is not required that the person appreciate or
13 understand that information.

14 (g) Any independent professional who is designated
15 by the Director of Corrections or the Director of Mental
16 Health for purposes of this section shall not be a state
17 government employee, shall have at least five years of
18 experience in the diagnosis and treatment of mental
19 disorders, and shall include psychiatrists and licensed
20 psychologists who have a doctoral degree in psychology.
21 The requirements set forth in this section also shall apply
22 to any professionals appointed by the court to evaluate
23 the person for purposes of any other proceedings under
24 this article.

25 (h) If the State Department of Mental Health
26 determines that the person is a sexually violent predator
27 as defined in this article, the Director of Mental Health
28 shall forward a request for a petition to be filed for
29 commitment under this article to the county designated
30 in subdivision (i). Copies of the evaluation reports and
31 any other supporting documents shall be made available
32 to the attorney designated by the county pursuant to
33 subdivision (i) who may file a petition for commitment
34 in the superior court.

35 (i) If the county's designated counsel concurs with the
36 recommendation, a petition for commitment shall be
37 filed in the superior court of the county in which the
38 person was convicted of the offense for which he or she
39 was committed to the jurisdiction of the Department of
40 Corrections. The petition shall be filed, and the

1 proceedings shall be handled, by either the district
2 attorney or the county counsel of that county. The county
3 board of supervisors shall designate either the district
4 attorney or the county counsel to assume responsibility
5 for proceedings under this article.

6 (j) The time limits set forth in this section shall not
7 apply during the first year that this article is operative.

8 (k) If the person is otherwise subject to parole, a
9 finding or placement made pursuant to this article shall
10 not toll, discharge, or otherwise affect the term of parole
11 pursuant to Article 1 (commencing with Section 3000) of
12 Chapter 8 of Title 1 of Part 3 of the Penal Code.

13 (l) Pursuant to subdivision (d), the attorney
14 designated by the county pursuant to subdivision (i) shall
15 notify the State Department of Mental Health of its
16 decision regarding the filing of a petition for commitment
17 within 15 days of making that decision.

18 SEC. 4. Section 6602 of the Welfare and Institutions
19 Code is amended to read:

20 6602. (a) A judge of the superior court shall review
21 the petition and shall determine whether there is
22 probable cause to believe that the individual named in
23 the petition is likely to engage in sexually violent
24 predatory criminal behavior upon his or her release. The
25 person named in the petition shall be entitled to
26 assistance of counsel at the probable cause hearing. If the
27 judge determines there is not probable cause, he or she
28 shall dismiss the petition and any person subject to parole
29 shall report to parole. If the judge determines that there
30 is probable cause, the judge shall order that the person
31 remain in custody in a secure facility until a trial is
32 completed and shall order that a trial be conducted to
33 determine whether the person is, by reason of a
34 diagnosed mental disorder, a danger to the health and
35 safety of others in that the person is likely to engage in acts
36 of sexual violence upon his or her release from the
37 jurisdiction of the Department of Corrections or other
38 secure facility.

39 (b) The court shall notify the State Department of
40 Mental Health of the outcome of the probable cause

1 hearing by forwarding to the department a copy of the
2 minute order of the court within 15 days of the decision.

3 SEC. 5. Section 6602.5 of the Welfare and Institutions
4 Code, as added by Section 4 of Chapter 19 of the Statutes
5 of 1998, is amended to read:

6 6602.5. (a) No person may be placed in a state
7 hospital pursuant to the provisions of this article until
8 there has been a determination pursuant to Section 6601.3
9 or 6602 that there is probable cause to believe that the
10 individual named in the petition is likely to engage in
11 sexually violent predatory criminal behavior.

12 (b) The State Department of Mental Health shall
13 identify each person for whom a petition pursuant to this
14 article has been filed who is in a state hospital on or after
15 January 1, 1998, and who has not had a probable cause
16 hearing pursuant to Section 6602. The State Department
17 of Mental Health shall notify the court in which the
18 petition was filed that the person has not had a probable
19 cause hearing. Copies of the notice shall be provided by
20 the court to the attorneys of record in the case. Within 30
21 days of notice by the State Department of Mental Health,
22 the court shall either order the person removed from the
23 state hospital and returned to local custody or hold a
24 probable cause hearing pursuant to Section 6602.

25 (c) In no event shall the number of persons referred
26 pursuant to subdivision (b) to the superior court of any
27 county exceed 10 in any 30-day period, except upon
28 agreement of the presiding judge of the superior court,
29 the district attorney, the public defender, the sheriff, and
30 the Director of Mental Health.

31 SEC. 6. Section 6603 of the Welfare and Institutions
32 Code is amended to read:

33 6603. (a) A person subject to this article shall be
34 entitled to a trial by jury, the assistance of counsel, the
35 right to retain experts or professional persons to perform
36 an examination on his or her behalf, and have access to all
37 relevant medical and psychological records and reports.
38 In the case of a person who is indigent, the court shall
39 appoint counsel to assist him or her, and, upon the
40 person's request, assist the person in obtaining an expert

1 or professional person to perform an examination or
2 participate in the trial on the person's behalf.

3 (b) The attorney petitioning for commitment under
4 this article shall have the right to demand that the trial be
5 before a jury.

6 (c) If no demand is made by the person subject to this
7 article or the petitioning attorney, the trial shall be before
8 the court without jury.

9 (d) A unanimous verdict shall be required in any jury
10 trial.

11 (e) The court shall notify the State Department of
12 Mental Health of the outcome of the trial by forwarding
13 to the department a copy of the minute order of the court
14 within 72 hours of the decision.

15 SEC. 7. Section 6604.1 of the Welfare and Institutions
16 Code, as added by Section 5 of Chapter 19 of the Statutes
17 of 1998, is amended to read:

18 6604.1. (a) The two-year term of commitment
19 provided for in Section 6604 shall commence on the date
20 upon which the court issues the initial order of
21 commitment pursuant to that section. The two-year term
22 shall not be reduced by any time spent in a secure facility
23 prior to the order of commitment. For subsequent
24 extended commitments, the term of commitment shall
25 be from the date of the termination of the previous
26 commitment.

27 (b) *This section shall become inoperative on July 1,*
28 *2001, and, as of January 1, 2002, is repealed, unless a later*
29 *enacted statute that is enacted before January 1, 2002,*
30 *deletes or extends the dates on which it becomes*
31 *inoperative and is repealed.*

32 SEC. 8. Section 6604.1 is added to the Welfare and
33 Institutions Code, to read:

34 6604.1. (a) *The two-year term of commitment*
35 *provided for in Section 6604 shall commence on the date*
36 *upon which the court issues the initial order of*
37 *commitment pursuant to that section. For subsequent*
38 *extended commitments, the term of commitment shall*
39 *be from the date of the termination of the previous*
40 *commitment.*

1 *(b) This section shall become operative on July 1, 2001.*

2 ~~SEC. 8.—~~

3 *SEC. 9.* Section 6609.1 of the Welfare and Institutions
4 Code is amended to read:

5 6609.1. (a) When the State Department of Mental
6 Health makes a recommendation to the court for
7 community outpatient treatment for any person
8 committed as a sexually violent predator, it shall notify
9 the sheriff or chief of police, or both, the district attorney,
10 or the county's designated counsel, that have jurisdiction
11 over the following locations:

12 (1) The community in which the person may be
13 released for community outpatient treatment.

14 (2) The community in which the person maintained
15 his or her last legal residence as defined by Section 3003
16 of the Penal Code.

17 (3) The county which filed for the person's civil
18 commitment pursuant to this article.

19 The department shall also notify the Department of
20 Corrections' Sexually Violent Predator Parole
21 Coordinator, if the person is otherwise subject to parole
22 pursuant to Article 1 (commencing with Section 3000) of
23 Chapter 8 of Title 1 of Part 3 of the Penal Code.

24 The notice shall be given at least 15 days prior to the
25 department's submission of its recommendation to the
26 court.

27 (b) When the State Department of Mental Health
28 makes a recommendation to pursue recommitment, a
29 recommendation not to pursue recommitment, or seeks
30 a judicial review of commitment status pursuant to
31 subdivision (f) of Section 6605, of any person committed
32 as a sexually violent predator, it shall provide written
33 notice of that action to the sheriff or chief of police, or
34 both, and to the district attorney, that have jurisdiction
35 over the following locations:

36 (1) The community in which the person maintained
37 his or her last legal residence as defined by Section 3003
38 of the Penal Code.

1 (2) The probable community in which the person will
2 be released, if recommending not to pursue
3 recommitment.

4 (3) The county which filed for the person's civil
5 commitment pursuant to this article.

6 The State Department of Mental Health shall also
7 notify the Department of Corrections' Sexually Violent
8 Predator Parole Coordinator, if the person is otherwise
9 subject to parole pursuant to Article 1 (commencing with
10 Section 3000) of Chapter 8 of Title 1 of the Penal Code.
11 The notice shall be made at least 15 days prior to the
12 department's submission of its recommendation to the
13 court.

14 Those agencies receiving the notice referred to in this
15 subdivision shall have 15 days from receipt of the notice
16 to provide written comment to the department
17 regarding the impending release. Those comments shall
18 be considered by the department, which may modify its
19 decision regarding the community in which the person is
20 scheduled to be released, based on those comments.

21 (c) If the court orders the release of a sexually violent
22 predator, the ~~county's designated counsel who filed the~~
23 ~~commitment petition court shall notify the Department~~
24 ~~of Corrections Sexually Violent Predator Parole~~
25 ~~Coordinator. The Department of Corrections shall notify~~
26 the State Department of Mental Health, ~~and shall notify~~
27 the sheriff or chief of police, or both, and the district
28 attorney, that have jurisdiction over the following
29 locations:

30 (1) The community in which the person is to be
31 released.

32 (2) The community in which the person maintained
33 his or her last legal residence as defined in Section 3003
34 of the Penal Code.

35 ~~The county's designated counsel shall also notify the~~
36 ~~Department of Corrections' Sexually Violent Predator~~
37 ~~Parole Coordinator, if the person is otherwise subject to~~
38 ~~parole pursuant to Article 1 (commencing with Section~~
39 ~~3000) of Chapter 8 of Title 1 of Part 3 of the Penal Code.~~

~~(d) At least 72 hours prior to any action to otherwise release from custody any person referred for civil commitment pursuant to this article, or any person committed as a sexually violent predator pursuant to this article, notice of this release shall be provided to the Department of Corrections' Sexually Violent Predator Parole Coordinator, if the person is otherwise subject to parole pursuant to Article 1 (commencing with Section 3000) of Chapter 8 of Title 1 of Part 3 of the Penal Code. The notice shall be provided by the county's designated counsel.~~

~~(e)–~~

The Department of Corrections shall make the above notifications regardless of whether the person released will be serving a term of parole after release by the court.

(d) The notice required by this section shall be made whether or not a request has been made pursuant to Section 6609.

~~(f)–~~

(e) The time limits imposed by this section are not applicable where the release date of a sexually violent predator has been advanced by a judicial or administrative process or procedure that could not have reasonably been anticipated by the State Department of Mental Health and where, as the result of the time adjustments, there is less than 30 days remaining on the commitment before the inmate's release, but notice shall be given as soon as practicable. In no case shall notice required by this section to the appropriate agency be later than the day of release.

~~SEC. 9.—~~

SEC. 10. Section 6609.2 of the Welfare and Institutions Code is amended to read:

6609.2. (a) When any sheriff or chief of police is notified by the State Department of Mental Health of its recommendation to the court concerning the disposition of a sexually violent predator pursuant to subdivision (a) or (b) of Section 6609.1, that sheriff or chief of police may notify any person designated by the sheriff or chief of police as an appropriate recipient of the notice.

1 (b) A law enforcement official authorized to provide
2 notice pursuant to this section, and the public agency or
3 entity employing the law enforcement official, shall not
4 be liable for providing or failing to provide notice
5 pursuant to this section.

6 ~~SEC. 10.—~~

7 *SEC. 11.* Section 6609.3 of the Welfare and Institutions
8 Code is amended to read:

9 6609.3. (a) At the time a notice is sent pursuant to
10 subdivisions (a) and (b) of Section 6609.1, the sheriff,
11 chief of police, or district attorney notified of the release
12 shall also send a notice to persons described in Section
13 679.03 of the Penal Code who have requested a notice,
14 informing those persons of the fact that the person who
15 committed the sexually violent offense may be released
16 together with information identifying the court that will
17 consider the conditional release, recommendation
18 regarding recommitment, or review of commitment
19 status pursuant to subdivision (f) of Section 6605. When
20 a person is approved by the court to be conditionally
21 released, notice of the community in which the person is
22 scheduled to reside shall also be given only if it is (1) in
23 the county of residence of a witness, victim, or family
24 member of a victim who has requested notice, or (2)
25 within 100 miles of the actual residence of a witness,
26 victim, or family member of a victim who has requested
27 notice. If, after providing the witness, victim, or next of
28 kin with the notice, there is any change in the release date
29 or the community in which the person is to reside, the
30 sheriff, chief of police, or the district attorney shall
31 provide the witness, victim, or next of kin with the revised
32 information.

33 (b) At the time a notice is sent pursuant to subdivision
34 (c) of Section 6609.1 the ~~district attorney so notified~~
35 *Department of Corrections* shall also send a notice to
36 persons described in Section 679.03 of the Penal Code
37 who have requested a notice informing those persons of
38 the fact that the person who committed the sexually
39 violent offense has been released.

(c) In order to be entitled to receive the notice set forth in this section, the requesting party shall keep the sheriff, chief of police, and district attorney who were notified under Section 679.03 of the Penal Code, informed of his or her current mailing address.

~~SEC. 11.~~

SEC. 12. No reimbursement is required by Section 1 of this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because in that regard this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.